

Location: **Land At Radwell Bury Farm
Newnham Road
Newnham
Hertfordshire**

Applicant: **Mr Ryan Macindoe**

Proposal: **Installation of Battery Storage System with associated
infrastructure, earthworks, landscaping and access.**

Ref. No: 24/02713/FP

Officer: **Ben Glover**

Date of expiry of statutory period: 13/03/2025

Extension of statutory period: 25/06/2025

Reason for Delay: To present the application to an available committee meeting.

Reason for Referral to Committee: The site area for this application exceeds 0.5ha and therefore under the Council's scheme of delegation, this application must be determined by the Council's Planning Control Committee.

1.0 **Relevant History**

- 1.1 24/00777/SO - Screening Opinion: Installation of Battery Energy Storage System with associated infrastructure and access – Not EIA development. Decided on 30/04/2024.

2.0 **Policies**

2.1 **National Planning Policy Framework (2024)**

Section 2: Achieving sustainable development
Section 6: Building a strong and competitive economy
Section 8: Promoting healthy and safe communities
Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well-designed places
Section 14: Meeting the challenge of climate change, flooding and coastal change
Section 15: Conserving and enhancing the natural environment
Section 16: Conserving and enhancing the historic environment

2.2 **North Hertfordshire District Local Plan 2011-2031**

Policy SP1: Sustainable development in North Hertfordshire
Policy SP3: Employment
Policy SP5: Countryside and Green Belt

Policy SP9: Design and sustainability
Policy SP11: Natural resources and sustainability
Policy SP12: Green infrastructure, biodiversity and landscape
Policy SP13: Historic environment
Policy T1: Assessment of transport matters
Policy T2: Parking
Policy D1: Sustainable design
Policy D3: Protecting living conditions
Policy NE1: Strategic green infrastructure
Policy NE2: Landscape
Policy NE4: Biodiversity and geological sites
Policy NE7: Reducing flood risk
Policy NE8: Sustainable drainage systems
Policy NE9: Water quality and environment
Policy NE12: Renewable and low carbon energy development
Policy HE1: Designated heritage assets
Policy HE4: Archaeology

2.3 Supplementary Planning Documents

Sustainability SPD (September 2024)
Design SPD (July 2011)
Vehicle Parking at New Developments SPD (November 2011)

2.4 Hertfordshire County Council

Local Transport Plan (LTP4 – adopted May 2018)

2.6 National Planning Practice Guidance

Provides a range of guidance on planning matters including flood risk, viability, design, and planning obligations.

3.0 Representations

3.1 Site Notice:

Start Date: 24/12/2024

Expiry Date: 16/01/2025

3.2 Press Notice:

Start Date: 09/01/2025

Expiry Date: 01/02/2025

3.3 Neighbouring Notifications:

No public or neighbouring comments have been received.

3.4 Consultees

CPRE Hertfordshire – No response received.

HCC Archaeology – No objection subject to conditions.

HCC Highways – No objection subject to conditions and informatives.

HCC Lead Local Flood Authority – No objection subject to conditions.

Herts Fire & Rescue – No response received.

NHC Ecology – No objection subject to conditions.

NHC Environmental Health – No objection.

NHC Policy Officer – No objection.

NHC Strategic Planning Officer – No response received.

NHC Transport Policy Officer – No response received.

NHC Waste & Recycling – No response received.

Place Services Landscape – No objection subject to conditions.

Radwell Parish Council – No response received.

4.0 Planning Considerations

4.1 Site and Surroundings

- 4.1.1 The 3.56-hectare application site comprises part of a large agricultural field to the north of Newnham Road. Baldock Services is situated to the south-west, otherwise the application site is surrounded by agricultural fields.
- 4.1.2 The application site is partially screened by existing mature vegetation to the southern and eastern boundaries of the site. The northern and western boundaries are open to the remainder of the existing agricultural field. Overhead power lines run diagonally across the site with a pylon on the eastern boundary of the site and another pylon across Newnham Road to the south of the site.
- 4.1.3 To the north of the site, there are two Grade II Listed Buildings (Radwell Grange and Barn at Radwell Grange) situated approximately 570m from the application site. The village of Newnham is situated to the north-east of the site and is covered by the Newnham Conservation Area. The village contains several Grade II Listed Buildings and a Grade II* Listed Building. There is also a Scheduled Monument known as 'Ring Ditch and Enclosure' to the southwest of the village adjacent to Newnham Road.
- 4.1.4 The application site is within the Rural Area Beyond the Green Belt and the land upon which the development is proposed is classified as Grade 2 (very good) agricultural land.
- 4.1.5 The site is within Flood Zone 1, which is land at the lowest risk of flooding and is at a low risk from surface water flooding.

4.2 Proposal

- 4.2.1 Planning permission is sought for the installation of a battery storage system with associated infrastructure, earthworks, landscaping, and access. Permission is being sought on a temporary basis of 40 years after which the site would be restored to its present use and condition.

- 4.2.2 The proposed development would comprise of two linked compounds. The northern compound would include a private substation transformer, Distribution Network Operations Room, control room, a pair of transformers, and a 132kV substation area. The southern compound would include 48 prefabricated containerised modular battery energy storage systems (BESS), 12 inverters and transformer modules, a storage room, and a laydown area.

4.3 **Key Issues**

- 4.3.1 The key issues for consideration are as follows:

- The principal of development within the Rural Area Beyond the Green Belt.
- The impact of the development upon the landscape character including agricultural land.
- Ecology and Biodiversity. Neighbouring Amenity
- Highways, Access, and Parking
- Flooding and Drainage
- Impact to Heritage and Archaeology
- Fire Risk

Principle of Development:

- 4.3.2 The application site is part of a larger agricultural field situated on land designated within the North Hertfordshire Local Plan (Local Plan) as 'Rural Area beyond the Green Belt'.
- 4.3.3 Policy SP5 of the Local Plan stipulates that the Council will operate a general policy of restraint in the Rural Areas beyond the Green Belt through the application of detailed policies.
- 4.3.4 Policy CGB1 of the Local Plan sets out that planning permission will be granted provided that the development complies with one of the following criteria:
- a) Is infilling development which does not extend the built core of a Category B village;
 - b) Meets a proven local need for community facilities, services or affordable housing in an appropriate location;
 - c) Is strictly necessary for the needs of agriculture or forestry;
 - d) Relates to an existing rural building;
 - e) Is a modest proposal for rural economic development or diversification; or
 - f) Would provide land or facilities for outdoor sport, outdoor recreation and cemeteries that respect the generally open nature of the rural area.
- 4.3.5 The application site comprises a 4ha (approx.) agricultural field. The proposed development would consist of two linked compounds within the site. The compound closest to the highway would contain the battery containers and the second compound, away from the highway, would be the substation.
- 4.3.6 The Planning Practice Guidance (PPG) states that "*electricity storage can enable us to use energy more flexibly and de-carbonise our energy system cost-effectively – for example, by helping to balance the system at lower cost, maximising the usable output from intermittent low carbon generation (e.g. solar and wind), and deferring or avoiding the need for costly network upgrades and new generation capacity.*"

- 4.3.7 Policy CGB1 of the Local Plan supports modest proposals for rural economic development or diversification. The proposed development, given its scale, would not be considered a modest proposal for rural economic development or diversification. There are no other applicable criteria, so the proposal conflicts with policy CGB1.
- 4.3.8 The Local Plan does not identify sites within the district for renewable energy development or development associated with low carbon energy generation. As set out within the applicants Planning, Design and Access Statement, development of this type would not be viable within urban areas, primarily due to the land take required for projects such as these. Therefore, locating energy development of this type within the rural area would be the next best option.
- 4.3.9 Furthermore, the site is noted as being a viable distance from a point of connection to the Letchworth Bulk Supply Point (BSP). The Letchworth BSP is situated to the south of Baldock Road, Letchworth, approximately 4.3km from the application site. The Letchworth BSP has been identified by the applicant as the most suitable local point of connection.

Benefits of Battery Storage Development:

- 4.3.10 Paragraph 161 of the NPPF sets out that the planning system should support the transition to net zero by 2050 and help shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience. Paragraph 161 goes on to state that “the planning system should... support renewable and low carbon energy and associated infrastructure.”
- 4.3.11 Paragraph 168 of the NPPF sets out that when determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should give significant weight to the benefits associated with renewable and low carbon energy generation and the proposals contribution to a net zero future. Local planning authorities should also recognise that small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.
- 4.3.12 Policy NE12 of the Local Plan sets out that proposals for renewable and low carbon energy development which would contribute towards reducing greenhouse gas emissions will be permitted subject to an assessment of the proposals impacts. Policy NE12 states that the council will give significant weight to the local and wider benefits of renewable and low carbon energy developments and their potential to reduce greenhouse gas and other harmful emissions.
- 4.3.13 North Herts Council declared a climate emergency in May 2019 and have since published a Climate Change Strategy 2022-2027. The key objectives of the Climate Change Strategy include to achieve a net zero carbon district by 2040 and to become a district that is resilient to unavoidable impacts of climate change.
- 4.3.14 As noted in paragraph 4.3.6 of this report, the PPG states that “*electricity storage can enable us to use energy more flexibly and de-carbonise our energy system cost-effectively – for example, by helping to balance the system at lower cost, maximising the usable output from intermittent low carbon generation (e.g. solar and wind), and deferring or avoiding the need for costly network upgrades and new generation capacity.*”
- 4.3.15 The submitted planning statement sets out the benefits of battery storage. The benefits set out include support for renewable energy technologies, such as wind and solar, by

reducing supply issues associated with their intermittency. BESS systems are able to balance power supply to grid operators by capturing and storing energy that would otherwise be lost.

- 4.3.16 In consideration of the above, the proposed development would contribute towards reducing greenhouse gas emissions by increasing the ability to store energy, including energy created by intermitted sources such as solar and wind. Based on both local and national policy, the benefits of the BESS scheme should be given significant weight in favour of the development.

Alternative Sites Assessment:

- 4.3.17 The applicant has provided an Alternative Sites Assessment (ASA) document alongside the application. The assessment sets out the justification for why the application site selected is the most suitable and why other alternative sites have not been deemed suitable.
- 4.3.18 The Letchworth BSP has been identified by the applicant as being the most viable location to facilitate the connection of the BESS. The Alternative Site Assessment document uses the Letchworth BSP as the centre point for a suitable site search area.
- 4.3.19 The Alternative Site Assessment has then used the Brownfield Register to identify brownfield sites within the radius of the grid connection point. The identified brownfield sites have either already been granted permission for alternative development, are allocated within the local plan, or are unable to accommodate BESS development due to spatial constraints as set out within the ASA document.
- 4.3.20 Existing residential, Green Belt, and allocated sites within the local plan filter out a significant amount of land within the radius of the BSP.
- 4.3.21 Following the omission of most of the land within the radius of the Letchworth BSP, the ASA identifies three other potential sites for the proposed development. Two of the three sites would have residential properties in proximity to the proposed BESS. The third site is unavailable following engagement with the landowner.
- 4.3.22 Based on the ASA, I am inclined to agree that the most appropriate site for the BESS would be the application site put forward. The site is within the grid connection radius of the Letchworth BSP, is not land designated Green Belt, is not allocated within the local plan for housing, is not near existing residential development, and not within a sensitive area such as a Conservation Area or Nature Reserve.

Impact to Landscape Character:

- 4.3.23 Paragraph 187 of the NPPF sets out that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
- 4.3.24 Policy NE2 of the Local Plan sets out that Planning Permission will be granted for development proposals that respect the sensitivities of the relevant landscape character area, do not cause unacceptable harm to the character and appearance of the surrounding area or the landscape character area, are designed and located to ensure the health and future retention of important landscape features, and have considered the long-term management and maintenance of any existing and proposed landscaping.

- 4.3.25 The proposed BESS would be located in 'Area 224 – North Baldock Chalk Uplands', as identified within The North Hertfordshire and Stevenage Landscape Character Assessment (2011) document. The landscape character includes rolling chalk landform, large scale arable fields, field boundaries, nucleated settlements, telecommunications, and the A1 as a major transport route.
- 4.3.26 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA), which concludes that the level of longer-term residual landscape effects of the BESS development would be 'limited'. The LVIA also sets out that landscaping enhancements within the site boundary would support the integration of the development into the surrounding landscape.
- 4.3.27 An independent review of the submitted LVIA has been undertaken by Place Services. Whilst there was some disagreement to the extent of impact upon the landscape character resulting from the development, the conclusion was that the development would not constitute significant effects on the landscape character area and appropriate landscape detail and management conditions have been suggested.
- 4.3.28 The landscaping proposals would include the introduction of bands of woodland, hedgerow along the western boundary, and areas of species rich wet and meadow grassland.
- 4.3.29 The proposed BESS development would result in limited impact to the character and appearance of the surrounding area and have a limited impact to the landscape character area. Mitigation through landscaping has been proposed and a management condition would be included as part of any permission. The proposal would be in place for a temporary period of 40 years before reverting to the current use.
- 4.3.30 Given the limited harm identified to the landscape area, the mitigation measures proposed, and the temporary nature of the development, it is considered that the proposed development would not result in unacceptable harm to the surrounding landscape and would comply with Policy NE2 of the Local Plan and Section 15 of the NPPF.

Loss of Agricultural Land:

- 4.3.31 The agricultural land classification of the site is noted as Grade 2 (Very Good) land. Grade 2 land is defined within the NPPF as being the best and most versatile agricultural land (BMV).
- 4.3.32 There would have been a requirement to consult Natural England if the development were to exceed 20ha of BMV and therefore considered 'significant development' of agricultural land. In this case, the Planning Statement states that the compounds would occupy an area of less than 1ha. The red line area occupies approximately 3.53ha, remaining below the 'significant development' threshold.
- 4.3.33 It is also noted that the development would be temporary, with a time limit of 40 years before being returned to its current use. Whilst 40 years is a long period, the site would nevertheless return to agricultural use upon de-commissioning of the proposal. In conclusion, the loss of a limited amount of Grade 2 agricultural land, would not be permanent and therefore it is considered that the proposed development is acceptable in these circumstances.

Ecology and Biodiversity:

- 4.3.34 Policy NE4 of the Local Plan sets out that planning permission will only be granted for development proposals that appropriately protect, enhance, and manage biodiversity. The policy also sets out that all development should deliver measurable net gains in biodiversity and geodiversity, contribute to ecological networks and the water environment.
- 4.3.35 An Ecological Impact Assessment (EclA) and Biodiversity Net Gain (BNG) Metric have been submitted alongside the application. The submitted EclA does not predict any harm to habitats or species that cannot be mitigated. The BNG demonstrates a 44% gain in habitat units and a 37% gain in hedgerow units, thereby meeting and exceeding the mandatory 10% BNG requirement.
- 4.3.36 Following consultation with the Council's Ecologist, no ecological objection has been raised to the proposal subject to the inclusion of a Landscape and Ecological Management Plan (LEMP) condition and a Construction Environment Management Plan Biodiversity condition.
- 4.3.37 The proposed development would result in a large biodiversity net gain in both habitat and hedgerow units. This increase is given significant positive weight within the planning balance.

Impact to Neighbouring Amenity:

- 4.3.38 Policy D3 of the Local Plan sets out that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions.
- 4.3.39 The application site is set significantly away from any nearby residential properties with the nearest settlement being Newnham to the northeast. Given the absence of any nearby residential properties, the proposed development would not result in any unacceptable impact to the amenities of nearby residential occupiers and would comply with both local and national planning policies.

Highways, Access, and Parking:

- 4.3.40 Policy T1 of the Local Plan sets out that planning permission will be granted provided that development will not lead to highway safety problems or cause unacceptable impacts upon the highway network.
- 4.3.41 The development proposes the creation of a new vehicular access to the site off Newnham Road. A secondary site access would also be provided within the site to facilitate access to an emergency vehicle where it is not possible to gain access via the main access track.
- 4.3.42 The Transport Statement, submitted alongside the application, anticipates very occasional vehicle movements once the site is operational. The predicated vehicle movements would amount to one visit per month with the purpose of maintaining the site.
- 4.3.43 Following consultation with the Highways Authority, no objection has been raised to the impact of the development to the safe operation of the highways network. The Highways comments state that *"the proposed increases in traffic flows on the local highway network during both construction and operational periods are not of a scale that would materially impact the relative operation and safety of the local highway network."*

- 4.3.44 The Highways Authority have requested the inclusion of a 'Construction Traffic Management Plan' condition and the submission of detailed technical plans condition that would provide further details of the proposed site access, the phasing of construction, hours of operations, and other details.
- 4.3.45 Given the absence of any objection from the Highways Authority, the proposed development would result in an acceptable impact on the highways network and would comply with both local and national planning policies.

Flooding and Drainage:

- 4.3.46 Policy NE7 of the Local Plan sets out that planning permission will be granted provided development is located outside of medium and high-risk flood areas (flood zone 2 and 3), is located, designed, and laid out to ensure the risk of flooding is reduced whilst not increasing flood risk elsewhere.
- 4.3.47 Policy NE8 of the Local Plan sets out that planning permission will be granted provided that the most appropriate sustainable drainage solution is used.
- 4.3.48 The Lead Local Flood Authority (LLFA) had raised an objection to the proposal however, additional information has been submitted and the LLFA have removed their objection to the development, subject to the inclusion of appropriate conditions.
- 4.3.49 The LLFA concluded that the details submitted within the submitted Flood Risk Assessment (FRA) are in accordance with Policy NE8 of the Local Plan. The proposed development is considered to comply with both local and national planning policies.

Impact to Heritage and Archaeology:

- 4.3.50 Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 4.3.51 Policy HE1 (Designated Heritage Assets) and HE4 (Archaeology) of the Local Plan are both relevant in this case.
- 4.3.52 The application site lies approximately 0.5km to the east of a Roman Road and is a few hundred metres to the west of two Areas of Archaeological Significance as identified within the Local Plan.
- 4.3.53 Following consultation with the County Council's Historic Environment Advisor, the position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets with an archaeological interest. No objection was raised to the proposed development and the potential impact to archaeology subject to the inclusion of a condition requiring the submission of an Archaeological Written Scheme of Investigation prior to commencement of the development.
- 4.3.54 Paragraph 208 of the NPPF requires local planning authorities to assess the particular significance of any heritage asset that may be affected by a proposal, including by development affecting the setting of a heritage asset.

- 4.3.55 To the north of the site, are two Grade II Listed Buildings (Radwell Grange and Barn at Radwell Grange) situated approximately 570m from the application site. The village of Newnham is situated to the north-east of the site and is covered by the Newnham Conservation Area. The village contains several Grade II Listed Buildings and a Grade II* Listed Building. There is also a Scheduled Monument known as 'Ring Ditch and Enclosure' to the southwest of the village adjacent to Newnham Road.
- 4.3.56 The development would consist of two compounds. One containing predominately battery containers, and the other the substation. There would be several ancillary 4m tall buildings within both compounds.
- 4.3.57 Given the siting of the development significantly away from the nearest heritage asset, the existing mature vegetation along the western boundary of the site and a tree line to the north of the site, the proposed development would result in only minimal impact to nearby assets. In conclusion of the matter, the proposed development would comply with both local and national planning policies in respect the historic environment.

Fire Risk:

- 4.3.58 Herts Fire and Rescue (HFRS) have not provided a response to the consultation request. It should be noted that Fire and Rescue are not currently a statutory consultee for BESS applications. The applicant has however been in contact with HFRS who have provided information and advice for minimising the risk of fire on site.
- 4.3.59 The application has been submitted alongside a fire safety management plan document, which provides an overview of the minimum safety features that would be incorporated into the site.
- 4.3.60 The fire safety document sets out that the BESS development will minimise fire risk by procuring components and carry out construction that complies with relevant legislation and best practice guidance, include automatic monitoring and control systems, connect to a manned remote monitoring and control system, include redundancy in the system to provide multiple layers of protection, design the facility to contain and restrict the spread of fire using fire-resistant materials and adequate separation, by working with Herts Fire and Rescue to develop a tactical response that would minimise the risk in the event of fire, and produce a dedicated emergency response plan showing full understanding of hazards, risks, and consequences.

4.4 Planning Balance and Conclusion

- 4.4.1 The proposed battery energy storage facility (BESS) would conflict with Policy CGB1 of the North Hertfordshire Local Plan given that the proposal is not considered to be a modest rural economic development. Whilst the development would conflict with CGB1 of the Local Plan, the BESS is considered to be in the next best location, particularly when taking into consideration the submitted alternative sites assessment document.
- 4.4.2 The above assessment has identified limited harm to landscape character because of the siting of the development. Much of the harm would be mitigated through appropriate landscaping improvements to the site. It is considered that limited weight should be attributed to the limited harmful impacts upon the landscape, given that the harm to the landscape would not be permanent.

- 4.4.3 It is acknowledged that there would be a loss of use for agriculture of Grade 2 agricultural land for a period of 40 years, whilst this a relatively long period the loss of best and most versatile agricultural land would not be permanent because the land would be returned to its current use upon decommissioning of the proposed development. This can be secured by condition. Therefore, limited harm is attached to the loss of agricultural land.
- 4.4.4 No other harm arising from the proposed development has been identified.
- 4.4.5 The development would deliver significant biodiversity gain in both habitat and hedgerow units. Given the biodiversity net gain to be delivered on site, significant positive weight is given in favour of the proposed development.
- 4.4.6 The BESS development would make a significant contribution to energy security by storing surplus energy from the grid and allowing it to be used by grid operators when it is most needed. It is acknowledged that BESS sites can help maximise the output from intermittent low carbon generation, such as from solar and wind. Given the resilience, flexibility, and environmental benefits offered by the BESS development, significant weight is attributed in favour of the proposal.
- 4.4.7 The benefits of the development are considered to outweigh the harm. It is recommended that the proposed development be granted planning permission subject to the inclusion of appropriate conditions and informatives.

5.0 **Alternative Options**

- 5.1 None applicable

6.0 **Pre-Commencement Conditions**

- 6.1 It will be confirmed at the meeting whether the applicant agrees with the pre-commencement conditions that are proposed.

7.0 **Legal Implications**

- 7.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

8.0 **Recommendation**

- 8.1 That planning permission be **GRANTED** subject to the following conditions:
1. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
 - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be North Hertfordshire District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply

(<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>).

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

2. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

4. The permission hereby granted shall be limited to a period of 40 years from the date when electricity is first exported from the Battery Storage System to the electricity grid. Written notification of the first operation shall be given to the local planning authority within 30 days of the site becoming operational.

Reason: The proposal seeks permission for a temporary period only.

5. All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (Flood Risk Assessment and Surface Water Drainage Strategy, by Ridge, 15 November 2024, reference: 5024440-RDG-XX-XX-RP-C-0501 and revision no. P03).

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of Council: Policy NE8: Sustainable drainage systems (Reducing Flood Risk).

6. The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

1. A timetable for its implementation.

2. Details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
3. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of Council: Policy NE8: Sustainable drainage systems (Reducing Flood Risk).

7. Maintenance plan for the ditch to which the surface water is proposed to discharge required to be submitted along with evidence that the ditch is connected to the wider watercourse network for the discharge of surface water from the site. If the ditch is in poor condition, a schedule and timetable of maintenance to restore it will be submitted.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of Council: Policy NE8: Sustainable drainage systems (Reducing Flood Risk)

8. A) No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme and methodology of site investigation and recording as required by the evaluation
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B) The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A) www.hertfordshire.gov.uk

C) The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

Reason: To ensure the implementation of an appropriate archaeological investigation, recording, reporting and publication, and the protection and preservation of archaeological features of significance, in accordance with North Hertfordshire Local Plan Policy HE4 and Section 16 of the NPPF 2024.

9. No development shall commence until detailed technical plans are submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of the vehicle accesses/driveway gradients and associated highway works concerning the visibility splays, etc. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed before occupation of any part of the development.

Reason: To ensure the provision of a vehicle accesses is safe, suitable, and sustainable for all highway users.

10. Before commencement of the development, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The 'Construction Traffic Management Plan' must set out:

- the phasing of construction and proposed construction programme.
- the methods for accessing the site, including wider construction vehicle routing.
- the numbers of daily construction vehicles including details of their sizes, at each phase of the development.
- the hours of operation and construction vehicle movements.
- details of any highway works necessary to enable construction to take place.
- details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway.
- details of any hoardings and how visibility splays will be maintained.
- management of traffic to reduce congestion.
- control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels.
- the provision for addressing any abnormal wear and tear to the highway.
- waste management proposals.
- Provision of sufficient on-site parking prior to commencement of construction activities;
- Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding and remaining road width for vehicle movements.

Reason: To minimise the impact of the construction process on the on local environment and local highway network in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

11. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development. The content of the LEMP shall include the following;

- a) Description and evaluation of features to be managed.
- b) Aims and objectives of management in accordance with the Biodiversity Gain Plan for the site.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 30 year period).

- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: To ensure the proposal has regard for the long term management and maintenance of habitats and ecology within the site, in line with Policy NE2 and NE4 of the Local Plan.

12. No development shall take place (including ground works or vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity), as informed by recommendations made in the September 2024 Ecological Impact Assessment, has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "buffer zones" to be informed by a pre-construction badger survey completed by an experienced ecologist within 6 weeks prior to the commencement of construction.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To minimise the impact of the construction process on the biodiversity and ecology of the site, in line with Policy NE2 and NE4 of the Local Plan.

13. Prior to commencement of landscape works hereby approved, details comprising plans and particulars shall be submitted to the Local Planning Authority showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority shall show the existing trees, shrubs, and hedgerows on the site where to be retained and shall include details of:

- A specification of soft landscape works, include a schedule of species, size, density and spacing of all trees, shrubs and hedgerows to be planted.
- areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment.
- paved or otherwise hard surfaced areas including the extent, together with the type and specification of all surfaces.
- existing and finished levels shown as contours with cross-sections, if appropriate.
- specification of all means of enclosure and all boundary treatments, all boundary treatments around the perimeter of the site.
- external lighting on the boundary of, and within the site.

Such details as may be agreed, shall be implemented in their entirety during the first planting season (October to March inclusive) following approval, or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority.

Reason: To ensure adequate control over design and to ensure a satisfactory appearance in the interests of visual amenity in compliance with Policy SP12 of the North Hertfordshire Local Plan.

14. No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a landscape management plan for a minimum of 5 years. This should include:

- a) Drawing/s showing the extent of the LMP i.e. only showing the areas to which the LMP applies, areas of private ownership should be excluded
- b) Written Specification detailing:

- All operation and procedures for soft landscape areas; inspection, watering, pruning, cutting, mowing, clearance and removal of arisings and litter, removal of temporary items (fencing, guards and stakes) and replacement of failed planting.
- All operations and procedures for hard landscape areas; inspection, sweeping, clearing of accumulated vegetative material and litter, maintaining edges, and painted or finished surfaces.
- All operations and procedures for surface water drainage system; inspection of linear drains, basins and swales, removal of unwanted vegetative material and litter including inlets and outlets.
- c) Maintenance task table which explains the maintenance duties across the site in both chronological and systematic order.
- d) Mechanism for monitoring and review of the management plan and operations.

Reason: To support plant establishment and ensure appropriate management is carried out and to maintain functionality and visual aesthetic in accordance with Policy SP12 of the North Hertfordshire Local Plan.

15. In the event that the development hereby permitted ceases to export electricity for a continuous period of 12 months at any time following the first operations (other than for operational reasons outside the operator's control), or within a period of 40 years following the first operation, a Scheme for the decommissioning of the solar farm and its ancillary equipment, and how the land is to be restored, shall be

submitted to the local planning authority for its written approval. The scheme shall include, but not be limited to the following:

- o a programme for the completion of the decommissioning and restoration works,
- o make provision for the removal of the solar panels and associated above ground works approved under this permission.
- o the management and timing of any works and a traffic management plan to address likely traffic impact issues during the decommissioning period,
- o an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats, and
- o details of site restoration measures.

The battery energy storage system, transformers, ancillary equipment, and associated structures shall be dismantled and removed from the site and the land restored to its extant use (agricultural) in accordance with the approved scheme and timescales set out therein.

Reason: The proposal seeks permission for a temporary period only and to ensure the site is appropriately decommissioned and the land is restored following its cessation as a solar farm. In the interests of highway safety and residential amenity and the aims and objectives of Policies T1 and D3 of the Local Plan.

16. Prior to any above ground works, an Emergency Response Plan shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Hertfordshire Fire and Rescue Service. The Emergency Response Plan shall set out measures to facilitate safety during the construction, operation and decommissioning phases of the battery storage facility, including protocols to manage a fire during the operation and decommissioning of the site.

Reason: To minimise fire risks and ensure the proposed development has adequate access to water supplies for in the event of an emergency in accordance with Policies D3 and NE12 in the Local Plan.

Pro-Active Statement:

Planning permission has been granted for this proposal. The Council acted proactively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informatives:

1. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this

development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047.

3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
4. Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.
5. Construction standards for works within the highway. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
6. Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>
7. The Biodiversity Gain Plan should be submitted as an 'application for approval of details reserved by condition following grant of planning permission' via the Planning Portal.
8. During the change of use phase, no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.
9. Reason: To protect the residential amenity of existing residents in accordance with Policy D3 of the Local Plan.